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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,330	02/28/2002	Thomas Joseph McBlain	P21781	5631
7055 7590 03/07/2008 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER GAUTHIER, GERALD	
			ART UNIT 2614	PAPER NUMBER
			NOTIFICATION DATE 03/07/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
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**Office Action Summary**

Application No.

10/084,330

Applicant(s)

MCBLAIN ET AL.

Examiner

Gerald Gauthier

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 24-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. In view of the supplement appeal brief filed on December 13, 2007, PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing on the last page of the action.

### **Invention**

2. The appellant invention claimed these limitations according to the appeal brief dated December 13, 2007.

- providing a user with the ability to configure the outbound call rule information;
- the outbound call rule information including a rule relating to processing an outbound call;
- the rule including a portion of action information and a portion of condition information;
- an outbound call being placed to a dialed number and received at a switch;
- receiving a switch message from the switch in response to the outbound call;
- sending a call processor message based on action information when condition information is satisfied;
- the call processor message being sent to the switch for controlling the outbound call (supplemental appeal brief, page 6).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. **Claims 24-27, 29-39 and 41-46** are rejected under 35 U.S.C. 102(e) as being anticipated by Tiliks et al. (US 6,850,605 B2).

Tiliks discloses a SCP 25 that stores information provisioned by a subscriber including 800 routing number information for each of the subscriber's designated abbreviated dialing codes (column 5, lines 56-62).

The SCP 25 service logic derives the subscriber's 800 routing number designated for the LATA in which the call originates (column 7, lines 11-30).

The 800 routing numbers are entered into a database by the subscriber. Also, the SCP 25 stores information associated with the calling party such as the calling party ID (calling party number), LATA, and the name of the state in which the caller resides. More specifically, an NPANXX table is maintained which determines the LATA and state of the caller based upon the NPANXX of the originating call. It is necessary to determine the state name for proper routing to the correct customer call center since some LATAs encompass more than one state (column 7, lines 11-30).

FIG. 2 illustrates an exemplary call flow diagram of the present invention. A caller dials an abbreviated dialing code (e.g., #XXX) to reach a company or national advertiser (column 7, lines 11-30).

A trigger on the caller's line sends a query from the end office SSP 15 through the STP 20 to the SCP 25, which queries an internal AIN database (column 7, lines 11-30).

The AIN database at the SCP 25 recognizes the #XXX number and translates it to the appropriate ten digit toll free number based upon the calling party ID, state, and LATA of the caller (column 7, lines 11-30).

These parameters are obtained using the NPANXX of the caller and performing a lookup in an NPANXX table (column 7, lines 11-30).

The SCP 25 returns an alternate billing number and AMA to the SSP 15 based upon the subscriber's abbreviated dialing code and the state and LATA in which the call originated. These parameters are obtained via a lookup in a #XXX table (column 7, lines 11-30).

From the AIN database of the SCP 25, the ten digit toll free number is sent back through the STP 20 to the SSP 15. In response to the information received from the SCP 25, an abbreviated dialing code AMA record is created by the SSP 15 to bill the charges associated with the use of the #XXX service (column 7, lines 11-30).

Regarding **claim 24**, Tiliks discloses the claimed call processor in (SCP 25 on FIG. 1). The claimed processor is an SCP as stated by the specification and the appeal brief (page 6, last paragraph). Tiliks controls an outbound call using outbound call rule information by translating an abbreviated dialing code into a ten digit number (column 1, lines 8-11).

The Tiliks' SCP includes a memory that stores the outbound call rule information, the outbound call rule information being configurable by a user and comprising at least one rule relating to processing the outbound call. The Tiliks' SCP stores information

provisioned by the subscriber. The information is entered into a database (column 5, lines 56-62).

Regarding the claimed sender, which is an SCP as stated in the specification (page 13, paragraph 0036). Tiliks discloses such SCP in column 7, lines 11-30 for sending at least one call processor message based on action information in response to a switch message when condition information is satisfied. The switch message is received from a switch in response to the outbound call being placed to a dialed number and received at the switch. The call processor message being sent to the switch for controlling the outbound call received at the switch.

Each rule of Tiliks comprises of at least a portion of the action information and a portion of the condition information (FIG. 5. and column 7, lines 11-30). The action information of each rule clearly reads on the alternate billing number returned by the SCP. The condition information of the rule clearly reads on the subscriber's abbreviated dialing code.

Regarding **claims 25 and 37**, Tiliks discloses a call processor, wherein the condition information comprises at least one condition related to at least a portion of the dialed number [The SCP 25 returns the action information to the SSP 15 to process the call based on information stored FIG. 5, column 7, lines 11-26].

Regarding **claims 26 and 38**, Tiliks discloses a call processor, wherein the action information comprises information related to forwarding the outbound call to a number other than the dialed number [The SCP 25 returns an alternate billing number and AMA to the SSP 15 based upon the subscriber's abbreviated dialing code and the state and LATA in which the call originated. These parameters are obtained via a lookup in a #XXX table, column 7, lines 11-26].

Regarding **claims 27 and 39**, Tiliks discloses a call processor wherein the action information comprises information related to submitting a personal identification number [The AIN database at the SCP 25 recognizes the #XXX number and translates it to the appropriate ten digit toll free number based upon the calling party ID, state, and LATA of the caller column 10, lines 43-54].

Regarding **claims 29 and 41**, Tiliks discloses a call processor, wherein the action information comprises information related to disallowing the outbound call (column 11, lines 2-8).

Regarding **claims 30 and 42**, Tiliks discloses a call processor, wherein the action information comprises information related to prepending at least one prefix number to a dialed number sequence [The SCP 25 returns an alternate billing number and AMA to the SSP 15 based upon the subscriber's abbreviated dialing code and the

state and LATA in which the call originated. These parameters are obtained via a lookup in a #XXX table, column 7, lines 11-26].

Regarding **claims 31 and 43**, Tiliks discloses a call processor, wherein the action information comprises a dial-around code, and wherein the action further comprises routing the outbound call via a carrier associated with the dial-around code [The SCP 25 returns an alternate billing number and AMA to the SSP 15 based upon the subscriber's abbreviated dialing code and the state and LATA in which the call originated. These parameters are obtained via a lookup in a #XXX table, column 7, lines 11-26].

Regarding **claims 32 and 44**, Tiliks discloses a call processor, wherein at least one rule comprises a plurality of actions [The SCP 25 returns an alternate billing number and AMA to the SSP 15 based upon the subscriber's abbreviated dialing code and the state and LATA in which the call originated. These parameters are obtained via a lookup in a #XXX table, column 7, lines 11-26].

Regarding **claims 33 and 45**, Tiliks discloses a call processor, wherein at least one rule comprises a plurality of conditions [The SCP 25 returns an alternate billing number and AMA to the SSP 15 based upon the subscriber's abbreviated dialing code and the state and LATA in which the call originated. These parameters are obtained via a lookup in a #XXX table, column 7, lines 11-26].

Regarding **claims 34 and 46**, Tiliks discloses a call processor, wherein the outbound call rule information comprises a plurality of rules [The SCP 25 returns an alternate billing number and AMA to the SSP 15 based upon the subscriber's abbreviated dialing code and the state and LATA in which the call originated. These parameters are obtained via a lookup in a #XXX table, column 7, lines 11-26].

Regarding **claim 35**, Tiliks discloses all the limitations of **claim 35** as stated in **claim 24's** rejection above.

Regarding **claim 36**, Tiliks discloses a method, wherein the switch initiates an action based on the action information in response to receiving the call processor message [The SCP 25 returns an alternate billing number and AMA to the SSP 15 based upon the subscriber's abbreviated dialing code and the state and LATA in which the call originated. These parameters are obtained via a lookup in a #XXX table, column 7, lines 11-26].

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***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S: 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. **Claims 28 and 40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiliks in view of Henningson et al. (US 6,301,350 B1).

Regarding **claims 28 and 40**, Tiliks discloses all the limitations of claims 25 and 37 as stated above but fails to disclose sending a page to a paging device.

However, Henningson teaches a call processor, wherein the action information comprises information related to sending a page to a paging device [If a subscriber cannot be reached, FindMe.SM. can place the caller on hold and page the subscriber. Alternatively, if the sub-scriber is paged, FindMe.SM. provides a paging capability, where the sub-scriber can dial in and, in a preferred embodiment, be connected directly with the caller column 4, lines 45-67].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Tiliks using the teaching of find me profile as taught by Henningson.

This modification of the invention enables the system to send a page to a subscriber device so that the user preference would be predetermined at the time of placing the call.

### ***Response to Arguments***

9. Appellant's arguments with respect to **claims 24-46** have been considered but are moot in view of the new ground(s) of rejection.

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**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reynolds et al. (US 5,768,360) "Subscriber call routing processing system".

Stroud et al. (US 7,139,385 B2) "Method for NPA split processing on a service control point.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/  
Primary Examiner, Art Unit 2614

GG  
March 3, 2008

  
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